UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/802,395	SPIELBERG, STEVEN
	Examiner	Art Unit
	Doug Hutton	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 July 2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-59</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-59</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07082002</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

- on Page 14, Line 9, the term "client" should be inserted between the terms "the" and "plays" because the "audio output device" is associated with the client; here, the term "client" appears to have been inadvertently omitted.

Appropriate correction is required.

Claim Objections

Claim 5 is objected to because of the following informalities:

- the term "said" should be inserted between the terms "wherein" and "annotator" in Line 1 so that the claim reads more clearly.

Claim 11 is objected to because of the following informalities:

- the term "device" should be inserted between the terms "thin-client" and "comprises" in Line 1 because that is how the element is previously identified (see Claim 7, Line 5).

Claim 31 is objected to because of the following informalities:

- the term "said" should be amended to — a — because no "client" is previously mentioned in the claims; Applicant may obviate this objection by amending the claim to depend from Claim 30.

Claim 54 is objected to because of the following informalities:

- the term "step" should be inserted after the term "converting" in Line 2 so that the claim reads more clearly.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-20, 22-26, 28, 29, 32-34, 36-40, 42, 43, 46-48, 50-54, 56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Groner, U.S. Patent No. 6,507,643.

Claim 1:

Groner discloses an apparatus for annotating a document (see Figures 1-11; see Column 1, Line 1 through Column 24, Line 24), comprising:

- a processor (72, Figure 3);

- memory coupled to said processor (82, Figure 3), said memory comprising at least one text document (118 and 120, Figure 3);

- a document processing engine configured to obtain said at least one text document from said memory and convert at least a portion of said at least one text document to at least one audio file (see Column 1, Line 1 through Column 24, Line 24 – the messaging system includes a "document processing engine configured to obtain said at least one text document from said memory and convert at least a portion of said at least one text document to at least one audio file" in that the dialog manager obtains the text message and invokes the text-to-speech conversion process to recite the text message to the caller);

- an audio output device configured to play said at least one audio file to a first user (see Column 1, Line 1 through Column 24, Line 24 – the messaging system includes an "audio output device configured to play said at least one audio file to a first user" in that the dialog manager obtains the text message and invokes the text-to-speech conversion process to recite the text message to the caller);

- an audio input device configured to obtain at least one verbalized comment from said user about said at least one audio file wherein said at least one verbalized comment is stored as an audio comment file (see Column 1, Line 1 through

Column 24, Line 24 – the messaging system includes an "audio input device configured to obtain at least one verbalized comment from said user about said at least one audio file wherein said at least one verbalized comment is stored as an audio comment file" in that the dialog manager enables the caller to play the audio file of the voice message and to verbally replace words in the message);

- an annotator, said annotator configured to associate said audio comment file with a location in said text document that corresponds to said audio file playing when said first user provided said at least one comment (see Column 1, Line 1 through Column 24, Line 24 – the messaging system includes an "annotator configured to associate said audio comment file with a location in said text document that corresponds to said audio file playing when said first user provided said at least one comment" in that the dialog manager inserts the caller's verbal edits into the appropriate parts of the text message where the verbal edits are inserted into the audio file of the voice message).

Claim 2:

Groner discloses the apparatus of Claim 1, wherein said memory comprises removable media (the messaging system includes "memory comprising removable media" in that it comprises a disk controller and disk drive for storing information to the disk drive).

Claim 5:

Groner discloses the apparatus of Claim 1, wherein said annotator obtains a start annotation mark from said first user indicating a beginning of said location (the messaging system includes an "annotator that obtains a start annotation mark from said first user indicating a beginning of said location" in that the dialog manager enables the caller to play the audio file of the voice message under control of the telephone keypad and to verbally replace words in the message).

Claim 6:

Groner discloses the apparatus of Claim 5, wherein said annotator obtains an annotation end mark identifying the end of said location (the messaging system includes an "annotator that obtains an annotation end mark identifying the end of said location" in that the dialog manager enables the caller to play the audio file of the voice message under control of the telephone keypad and to verbally replace words in the message).

Claim 7:

Groner discloses an apparatus for annotating a document (see Figures 1-11; see Column 1, Line 1 through Column 24, Line 24), comprising:

- a server having a text-to-speech engine configured to obtain at least one text document from memory and convert at least a portion of said at least one text document to at least one audio file (as indicated in the above rejection for Claim 1, the messaging system discloses this limitation);

- a thin-client device configured to obtain said at least one audio file from said server (the messaging system discloses a "thin-client device configured to obtain said at least one audio file from said server" in that it includes a telephone);

- an audio output device configured to play said at least one audio file to a first user, wherein said audio output device is associated with said thin-client (as indicated in the above rejection for Claim 1, the messaging system discloses this limitation);

- said thin-client device having an audio input element configured to obtain at least one verbalized comment from said user about said at least one audio file, wherein said at least one verbalized comment is transmitted to said server and stored as an audio comment file on said server (the messaging system discloses a "thin-client device having an audio input element configured to obtain at least one verbalized comment from said user about said at least one audio file, wherein said at least one verbalized comment is transmitted to said server and stored as an audio comment file on said server" in that it includes a telephone);

- said server having an annotator, said annotator configured to associate said audio comment file with a location in said text document that corresponds to said audio file playing when said first user provided said at least one comment (as indicated in the above rejection for Claim 1, the messaging system discloses this limitation).

Claim 8:

Groner discloses the apparatus of Claim 7, wherein said thin-client device is connected to said server via an interconnection fabric (see Figure 1).

Claim 9:

Groner discloses the apparatus of Claim 8, wherein said interconnection fabric comprises a telephone network (see Figure 1).

Claim 10:

Groner discloses the apparatus of Claim 9, wherein said interconnection fabric comprises a computer network (see Figure 1).

Claim 11:

Groner discloses the apparatus of Claim 9, wherein said thin-client device comprises a telephone (see Figure 1).

Claim 12:

Groner discloses the apparatus of Claim 9, wherein said audio comment file is stored in at least one associations file (the messaging system discloses an "audio comment file that is stored in at least one associations file" in that it records the edits made by the caller in voice message storage).

Claim 13:

Groner discloses the apparatus of Claim 9, wherein said annotator is associated with a Speech Recognition Engine configured to obtain said audio comment file and convert said verbalized comment back to text (the messaging system discloses an "annotator that is associated with a Speech Recognition Engine configured to obtain said audio comment file and convert said verbalized comment back to text" in that it converts the edits made by the caller into text and inserts the edits into the corresponding positions in the text message).

Claim 14:

Groner discloses the apparatus of Claim 9, wherein said server comprises a voice command interface (the messaging system discloses a "server that comprises a voice command interface" in that it includes a server and indicates that the prior art includes voice command interfaces for messaging systems).

Claim 15:

Groner discloses the apparatus of Claim 9, wherein said server is configured to mark the beginning of said verbalized comment upon receipt of a start annotation mark (as indicated in the above rejection for Claim 5, the messaging system discloses this limitation).

Claim 16:

Groner discloses the apparatus of Claim 15, wherein said server is configured to mark the end of said verbalized comment upon receipt of an end annotation mark (as indicated in the above rejection for Claim 6, the messaging system discloses this limitation).

Claim 17:

Groner discloses the apparatus of Claim 16, wherein said audio comment file comprises data recorded by said server between receipt of said start annotation mark and said end annotation mark (the messaging system discloses an "audio comment file comprises data recorded by said server between receipt of said start annotation mark and said end annotation mark" in that it records the edits made by the caller in voice message storage).

Claim 18:

Groner discloses a method for annotating a document (see Figures 1-11; see Column 1, Line 1 through Column 24, Line 24), comprising:

- obtaining a document from a memory medium via an interconnection path configured to access said document (as indicated in the above rejections for Claims 7 and 8, the messaging system discloses this limitation);

- converting said document to audio elements (as indicated in the above rejection for Claim 7, the messaging system discloses this limitation);

- presenting an audible playback of said audio elements to a user when said user indicates a desire to hear said document (as indicated in the above rejection for Claim 7, the messaging system discloses this limitation);

- obtaining verbalized comments from said user via an audio input mechanism upon receipt of an annotation start mark during said audible playback (as indicated in the above rejections for Claims 7 and 15, the messaging system discloses this limitation);

- associating said verbalized comments with a location in said document corresponding with the occurrence of said annotation start mark during said audible playback (as indicated in the above rejection for Claim 7, the messaging system discloses this limitation).

Claim 19:

Groner discloses the method of Claim 18, wherein said document comprises text data (as indicated in the above rejection for Claim 7, the messaging system discloses this limitation).

Claim 20:

Groner discloses the method of Claim 18, wherein said memory medium comprises removable media (as indicated in the above rejection for Claim 2, the messaging system discloses this limitation).

Claim 22:

Groner discloses the method of Claim 20, wherein said interconnection path comprises a network (as indicated in the above rejections for Claims 9 and 10, the messaging system discloses this limitation).

Claim 23:

Groner discloses the method of Claim 20, wherein said network comprises a wireless network (the messaging system discloses a "network comprising a wireless network" in that it includes a telephone and indicates that the prior art includes wireless phones).

Claim 24:

Groner discloses the method of Claim 20, wherein said network comprises a telephone network (as indicated in the above rejection for Claim 9, the messaging system discloses this limitation).

Claim 25:

Groner discloses the method of Claim 24, wherein said telephone network comprises a cellular network (as indicated in the above rejection for Claim 23, the messaging system discloses this limitation).

Claim 26:

Groner discloses the method of Claim 18, wherein a document processing engine performs said converting step (the messaging system discloses a "document processing engine that performs said converting step" in that the dialog manager processes the text message by converting it to audio).

Claim 28:

Groner discloses the method of Claim 18, wherein said converting said document to audio elements occurs at a server (the messaging system discloses a "server that converts said document to said audio elements" in that the dialog manager invokes the text-to-speech conversion process to recite the text message to the caller).

Claim 29:

Groner discloses the method of Claim 28, wherein said server generates an audio file associated with said presenting said audible playback of said audio elements (the messaging system discloses a "server that generates an audio file associated with said presenting said audible playback of said audio elements" in that it stores the voice message in an audio file in the voice message storage).

Claim 32:

Groner discloses a method for annotating a document (see Figures 1-11; see Column 1, Line 1 through Column 24, Line 24), comprising:

- obtaining a document from a memory medium via an interconnection path configured to access said document, said document having text elements (as indicated in the above rejections for Claims 18 and 19, the messaging system discloses this limitation);

- obtaining a first annotation of said text document, said first annotation having a first set of audio elements (as indicated in the above rejection for Claim 18, the messaging system discloses this limitation);

- converting said text elements to a second set of audio elements (as indicated in the above rejection for Claim 18, the messaging system discloses this limitation);

- associating said first set of audio elements with said second set of audio elements to generate a playback document (the messaging system discloses "associating said first set of audio elements with said second set of audio elements to generate a playback document" in that it includes the caller's verbalized edits with the voice message and converts the edited voice message to text);

- generating an audible playback of said playback document to a user when said user indicates a desire to hear said document (the messaging system discloses "generating an audible playback of said playback document to a user when said user indicates a desire to hear said document" in that, after the caller incorporates the original edits into the voice message and the voice message is converted to text, it again asks whether the caller wants to edit the message;

when the caller desires to edit the message again, the messaging system

converts the edited text message to a voice message and plays it to the caller);

- obtaining verbalized comments from said user via an audio input mechanism

  upon activation of an annotation trigger during said audible playback (as

  indicated in the above rejection for Claim 18, the messaging system discloses

  this limitation);

- associating said verbalized comments with a location in said playback document

  corresponding with the occurrence of said annotation trigger during said audible

  playback (as indicated in the above rejection for Claim 18, the messaging system

  discloses this limitation).

Claim 33:

Groner discloses the method of Claim 32, wherein said document comprises text

data (as indicated in the above rejection for Claim 19, the messaging system discloses

this limitation).

Claim 34:

Groner discloses the method of Claim 32, wherein said memory medium

comprises removable media (as indicated in the above rejection for Claim 20, the

messaging system discloses this limitation).

Claim 36:

Groner discloses the method of Claim 32, wherein said interconnection path comprises a network (as indicated in the above rejections for Claim 22, the messaging system discloses this limitation).

Claim 37:

Groner discloses the method of Claim 36, wherein said network comprises a wireless network (as indicated in the above rejections for Claim 23, the messaging system discloses this limitation).

Claim 38:

Groner discloses the method of Claim 36, wherein said network comprises a telephone network (as indicated in the above rejection for Claim 24, the messaging system discloses this limitation).

Claim 39:

Groner discloses the method of Claim 38, wherein said telephone network comprises a cellular network (as indicated in the above rejection for Claim 25, the messaging system discloses this limitation).

Claim 40:

Groner discloses the method of Claim 32, wherein a document processing

engine performs said converting step (as indicated in the above rejection for Claim 26,

the messaging system discloses this limitation).

Claim 42:

Groner discloses the method of Claim 32, wherein said converting said document

to audio elements occurs at a server (as indicated in the above rejection for Claim 28,

the messaging system discloses this limitation).

Claim 43:

Groner discloses the method of Claim 42, wherein said server generates an

audio file associated with said presenting said audible playback of said audio elements

(as indicated in the above rejection for Claim 29, the messaging system discloses this

limitation).

Claim 46:

Groner discloses a method for annotating a document (see Figures 1-11; see

Column 1, Line 1 through Column 24, Line 24), comprising:

- generating authentication information of a user desiring access to a document

  (the messaging system discloses "generating authentication information of a user

desiring access to a document" in that it determines whether the caller is a subscriber to the messaging system);

- allocating an associations file structure for said user (the messaging system discloses "allocating an associations file structure for said user" in that it generates a message header data structure to identify the caller);

- obtaining said document from a memory medium via an interconnection path configured to access said document, said document having text elements (as indicated in the above rejection for Claim 32, the messaging system discloses this limitation);

- obtaining a first annotation of said text document, said first annotation having a first set of audio elements (as indicated in the above rejection for Claim 32, the messaging system discloses this limitation);

- converting said text elements to a second set of audio elements (as indicated in the above rejection for Claim 32, the messaging system discloses this limitation);

- associating said first set of audio elements with said second set of audio elements to generate a playback document (as indicated in the above rejection for Claim 32, the messaging system discloses this limitation);

- generating an audible playback of said playback document to said user when said user indicates a desire to hear said document (as indicated in the above rejection for Claim 32, the messaging system discloses this limitation);

- obtaining verbalized comments from said user via an audio input mechanism upon activation of an annotation trigger during said audible playback (as

indicated in the above rejection for Claim 32, the messaging system discloses this limitation);

- associating said verbalized comments with a location in said playback document corresponding with the occurrence of said annotation trigger during said audible playback (as indicated in the above rejection for Claim 32, the messaging system discloses this limitation); and

- storing said location and said authentication information of said user and said verbalized comments in said associations file structure (the messaging system discloses "storing said location and said authentication information of said user and said verbalized comments in said associations file structure" in that it stores the message header data structure and the caller's verbalized edits and incorporates them into the appropriate parts of the text message).

Claim 47:

Groner discloses the method of Claim 46, wherein said document comprises text data (as indicated in the above rejection for Claim 19, the messaging system discloses this limitation).

Claim 48:

Groner discloses the method of Claim 46, wherein said memory medium comprises removable media (as indicated in the above rejection for Claim 20, the messaging system discloses this limitation).

Claim 50:

Groner discloses the method of Claim 48, wherein said interconnection path comprises a network (as indicated in the above rejections for Claim 22, the messaging system discloses this limitation).

Claim 51:

Groner discloses the method of Claim 50, wherein said network comprises a wireless network (as indicated in the above rejections for Claim 23, the messaging system discloses this limitation).

Claim 52:

Groner discloses the method of Claim 50, wherein said network comprises a telephone network (as indicated in the above rejection for Claim 24, the messaging system discloses this limitation).

Claim 53:

Groner discloses the method of Claim 52, wherein said telephone network comprises a cellular network (as indicated in the above rejection for Claim 25, the messaging system discloses this limitation).

Claim 54:

Groner discloses the method of Claim 46, wherein a document processing engine performs said converting step (as indicated in the above rejection for Claim 26, the messaging system discloses this limitation).

Claim 56:

Groner discloses the method of Claim 46, wherein said converting said document to audio elements occurs at a server (as indicated in the above rejection for Claim 28, the messaging system discloses this limitation).

Claim 57:

Groner discloses the method of Claim 56, wherein said server generates an audio file associated with said presenting said audible playback of said audio elements (as indicated in the above rejection for Claim 29, the messaging system discloses this limitation).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30, 31, 44, 45, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groner, U.S. Patent No. 6,507,643.

Claims 30, 44 and 58:

As indicated in the above rejection, Groner discloses every element of Claims 18, 32 and 46.

Groner fails to expressly disclose converting said document to audio elements at a client. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have invoked the text-to-speech conversion process at a client for the purpose of editing the text and voice messages at the caller's telephone to conserve bandwidth at the server. At the time the invention was made, it would have been obvious to one of ordinary skill in the art that the text-to-speech conversion process could have occurred at either the client or the server. Whether the text-to-speech conversion took place at the client or the server was strictly a design choice made by the programmer.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the messaging system, disclosed in Groner, to include converting said document to audio elements at a client for the purpose of editing the text and voice messages at the caller's telephone to conserve bandwidth at the server.

Claims 31, 45 and 59:

As indicated in the above rejection, Groner discloses/teaches every element of Claims 29, 44 and 58.

Groner fails to expressly disclose generating an audio file associated with said presenting said audible playback of audio elements at a client. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have generated an audio file associated with said presenting said audible playback of audio elements at a client for the purpose of editing the text and voice messages at the caller's telephone to conserve bandwidth at the server. At the time the invention was made, it would have been obvious to one of ordinary skill in the art that the generation of the audio file could have occurred at either the client or the server. Whether the generation of the audio file took place at the client or the server was strictly a design choice made by the programmer.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the messaging system, disclosed in Groner, to include generating an audio file associated with said presenting said audible playback of audio elements at a client for the purpose of editing the text and voice messages at the caller's telephone to conserve bandwidth at the server.

Claims 3, 21, 35 and 49 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Groner, U.S. Patent No. 6,507,643, in view of Merrill et al., U.S.

Patent No. 6,181,351.

Claims 3, 21, 35 and 49:

As indicated in the above rejection, Groner discloses every element of Claims 2,

20, 34 and 48.

Groner fails to expressly disclose a removable memory comprising flash

memory.

Merrill teaches an annotator (see Figures 1-9; see Column 1, Line 1 through

Column 26, Line 37) having removable memory that comprises flash memory for the

purpose of recording, storing and editing audio files.

Accordingly, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the messaging system, disclosed in Groner,

to include removable memory that comprises flash memory for the purpose of

recording, storing and editing audio files, as taught by Merrill.

Claims 4, 27, 41 and 55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Groner, U.S. Patent No. 6,507,643, in view of Gupta et al., U.S.

Patent Application Publication No. US 2003/0196164 A1.

Claim 4:

As indicated in the above rejection, Groner discloses every element of Claim 1.

Groner fails to expressly disclose an audio file comprising a streaming media file.

Gupta teaches a multimedia system (see Figures 1-11; see Paragraphs 0001-0120) that includes an audio file comprising a streaming media file for the purpose of providing the audio file to a client user on a real-time, as-needed basis.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the messaging system, disclosed in Groner, to include an audio file comprising a streaming media file for the purpose of providing the audio file to a client user on a real-time, as-needed basis, as taught by Gupta.

Claims 27, 41 and 55:

As indicated in the above rejection, Groner discloses every element of Claims 26, 40 and 46.

Groner fails to expressly disclose a document processing machine that optimizes said audio elements.

Gupta teaches a multimedia system (see Figures 1-11; see Paragraphs 0001-0120) that includes a document processing machine that optimizes said audio elements (the multimedia system includes a "document processing machine that optimizes said audio elements" in that it includes a media server that processes an audio file by dropping short segments from the speech signal at regular intervals and performing cross fading or smoothing between adjacent segments) for the purpose of improving the resulting sound quality of the audio file.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the messaging system, disclosed in Groner, to include a document processing machine that optimizes said audio elements for the purpose of improving the resulting sound quality of the audio file, as taught by Gupta.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Katz et al., U.S. Patent No. 5,404,295; Katz et al., U.S. Patent No. 5,309,359; Kasday, U.S. Patent No. 4,430,726; and Olschafskie et al., U.S. Patent No. 6,616,038.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.
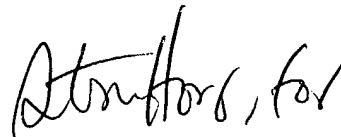
WDH
July 4, 2004

HEATHER HERNDON
SUPERVISORY PATENT EXAMINER
TECH CENTER 2100